

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,)
Plaintiff,) 8:10CR146
vs.) ORDER
RICHARD COSTANZO,)
THERESA COSTANZO,)
JANNA WASKO and)
MICHAEL WASKO,)
Defendants.)

This matter is before the court on the motion of Richard Costanzo to change the trial date (Filing No. 95). Upon consideration, the motion will be granted.

IT IS ORDERED:

1. The motion to change the trial date (Filing No. 95) is granted.

2. Trial of this matter is re-scheduled for **November 29, 2010**, before Chief Judge Joseph F. Bataillon and a jury. The ends of justice have been served by granting such motion and outweigh the interests of the public and the defendant in a speedy trial. The additional **time** arising as a result of the granting of the motion, i.e., the time between **July 27, 2010 and November 29, 2010**, shall be deemed **excludable** time in any computation of time under the requirement of the Speedy Trial Act for the reason that defendants' counsel require additional time to adequately prepare the case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(7)(A) & (B).

DATED this 27th day of July, 2010.

BY THE COURT:

s/ Thomas D. Thalken
United States Magistrate Judge